

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
CRIMINAL REVISION APPLICATION No. 530 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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ZAKHIR HUSSEIN PUNJILAL KHANJI & 9 - Applicant(s)
Versus
STATE OF GUJARAT - Respondent(s)

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Appearance :

NOTICE SERVED for Applicant(s) : 1 - 3,5 - 6,8 - 10.MRS KRISHNA V
BAROT for Applicant(s) : 4, 7,(MR VIVEK BAROT) for Applicant(s) : 7,
Mr. KP Raval, Addl.PUBLIC PROSECUTOR for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 04/10/2007
ORAL JUDGMENT

Though served nobody appears on behalf of the petitioners original-accused. This petition is of the year 1998 and hence it is taken up for final hearing today.

2. By way of this Criminal Revision

Application the petitioners original-accused have prayed to quash and set aside the impugned order passed by learned Additional Sessions Judge, Sabarkantha dated 28th August 1998 below Exh. 17 in Sessions Case No. 33 of 1994 in rejecting the application submitted by the petitioners to drop the proceedings.

3. In Sessions Case No. 33 of 1994 after a period of 4 years and when evidence was already recorded the applicants original-accused submitted application to drop the proceedings contending inter alia that necessary sanction as required under Section 196 of the Code of Criminal Procedure to prosecute the petitioners has not been obtained. The learned Additional Sessions Judge by his impugned order dated 28th August 1998 dismissed the said application by observing that the matter is yet on evidence and no provision to drop the proceedings or discharge the accused under the Code and that yet the evidence is pending and there are other charges which are not required to take sanction as provided in S. 196 of the Cr.P.C. Considering the above, without expressing any opinion on merits with regard to the same and keeping all questions open the present application is required to be dismissed. It cannot be said that the learned Additional Sessions Judge has committed any error by passing the impugned order

which requires interference of this Court in exercise of revisional jurisdiction. Hence, this revision application deserves dismissal and it is accordingly dismissed. Rule is discharged. Ad-interim relief if any stands vacated forthwith.

[M.R. Shah, J.]

rmr.